

## **MINUTES**

### **MONTANA HOUSE OF REPRESENTATIVES 62nd LEGISLATURE - REGULAR SESSION**

#### **COMMITTEE ON APPROPRIATIONS**

**Call to Order:** Chair Walter McNutt, on March 22, 2011 at 8:00 AM, in Room 102  
Capitol

#### **ROLL CALL**

**Members Present:**

Rep. Walter McNutt, Chair (R)  
Rep. Bill Beck, Vice Chair (R)  
Rep. Cynthia Hiner, Vice Chair (D)  
Rep. Duane Ankney (R)  
Rep. Tony Belcourt (D)  
Rep. Randy Brodehl (R)  
Rep. Tom Burnett (R)  
Rep. Rob Cook (R)  
Rep. Mike Cuffe (R)  
Rep. Champ Edmunds (R)  
Rep. Ron Ehli (R)  
Rep. John Esp (R)  
Rep. Steve Gibson (R)  
Rep. Roy Hollandsworth (R)  
Rep. Galen Hollenbaugh (D)  
Rep. Bill McChesney (D)  
Rep. Robert (Bob) Mehlhoff (D)  
Rep. Ryan Osmundson (R)  
Rep. Don Roberts (R)  
Rep. Trudi Schmidt (D)  
Rep. Jon C. Sesso (D)

**Members Excused:** None

**Members Absent:** None

**Staff Present:** Jaret Coles, Legislative Branch  
Jon Moe, Legislative Branch  
Cara Gold/Sandra Sullivan, Committee Secretary

**Audio Committees:** These minutes are in outline form only. They provide a list of participants and a record of official action taken by the committee. The link to the audio recording of the meeting is available on the Legislative Branch website.

**Committee Business Summary:**

Hearing & Date Posted: HB 567, 3/18/2011; HB 623, 3/18/2011; HB 625, 3/18/2011  
Executive Action Taken: HB 534; HB 565; HB 444; HB 587; HB 602; HB 585; HB 611; HB 613; HB 619; HB 622, HB 221, HB 321, HB 331, HB 365, HB 502, HB 567, HB 621, HB 13, HB 485

**HEARING ON HB 623**

**Opening Statement by Sponsor:**

00:01:43 Rep. Timothy Furey (D), HD 91, opened the hearing on HB 623, Increase funding for DPHHS targeted case management services for certain groups.

**Proponents' Testimony:**

00:04:06 Julie Serstad, Missoula City County Health Department and Association of Montana of Public Health Associations

[EXHIBIT\(aph64a01\)](#)

[EXHIBIT\(aph64a02\)](#)

00:07:39 Marylis Filipovich, Home Visiting Program, Lewis and Clark County Health Department

[EXHIBIT\(aph64a03\)](#)

00:09:56 Anita Roessman, Disability Rights Montana

**Opponents' Testimony:** None

**Informational Testimony:** None

**Questions from Committee Members and Responses:**

00:11:12 Rep. Burnett

00:11:29 Ms. Filipovich

00:11:52 Rep. Brodehl

00:12:18 Ms. Filipovich

00:13:00 Rep. Brodehl

00:13:11 Ms. Filipovich

**Closing by Sponsor:**

00:13:30 Rep. Furey

**HEARING ON HB 625**

**Opening Statement by Sponsor:**

00:15:10 Rep. Timothy Furey (D), HD 91, opened the hearing on HB 625, Provide wage increase to direct care employees in community-based services.

**Proponents' Testimony:**

00:17:40 Rose Hughes, Montana Health Care Association  
**EXHIBIT(aph64a04)**  
00:22:56 Travis Hoffman, Montana Centers for Independent Living  
00:25:07 Katie Spaid, Consumer Direct Personal Care (CDPC)  
00:26:09 Jan Cahill, Montana Association of Community Disabilities Services  
00:30:24 Dennis Taylor, Montana Children's Initiative  
00:31:54 Joan Taylor, Children's Disability Services  
00:32:40 Claudia Clifford, American Association of Retired People Montana (AARP)  
00:34:05 Anita Roessman, Disability Rights Montana  
00:36:40 Patty Rigney, Nightingale Nursing and Caregiving

**Opponents' Testimony:**

00:38:51 Bob Faw, Self

**Informational Testimony:** None

**Questions from Committee Members and Responses:**

00:41:41 Rep. Beck  
00:42:37 Rep. Furey  
00:42:55 Rep. Beck  
00:43:04 Rep. Furey  
00:43:34 Rep. Esp  
00:43:53 Rep. Furey  
00:44:06 Rep. Burnett  
00:44:17 Rep. Furey  
00:45:01 Rep. Cook  
00:45:31 Rep. Furey

**Closing by Sponsor:**

00:45:54 Rep. Furey

**HEARING ON HB 567**

**Opening Statement by Sponsor:**

00:48:40 Rep. Scott Reichner (R), HD 9, opened the hearing on HB 567, Revise property appraisal process by allowing extended assessment review.

**Proponents' Testimony:**

00:51:37 Cynthia Monteau-Moore, Property Assessment Division, Montana Department of Revenue (DOR)  
00:54:45 Alan Peura, Deputy Director, DOR

**Opponents' Testimony:** None

**Informational Testimony:** None

**Questions from Committee Members and Responses:**

00:56:26 Rep. Cook  
00:56:55 Mr. Peura  
00:57:12 Rep. Cook  
00:57:19 Mr. Peura  
00:58:12 Rep. Cook  
00:58:21 Mr. Peura  
00:59:47 Rep. Hollandsworth  
01:00:16 Mr. Peura

**EXHIBIT(aph64a05)**

01:00:52 Rep. Hollandsworth  
01:01:09 Mr. Peura  
01:03:55 Rep. Sesso  
01:04:41 Rep. Reichner  
01:04:46 Rep. Sesso  
01:04:56 Mr. Peura  
01:05:22 Rep. Sesso  
01:05:55 Mr. Peura  
01:06:39 Rep. Sesso  
01:07:13 Mr. Peura  
01:07:28 Rep. Beck  
01:08:01 Mr. Peura  
01:08:24 Rep. Beck  
01:08:44 Mr. Peura  
01:09:33 Rep. Beck  
01:10:16 Mr. Peura  
01:11:29 Rep. Beck  
01:11:42 Mr. Peura  
01:12:31 Rep. Schmidt  
01:13:05 Mr. Peura

**EXHIBIT(aph64a06)**

01:16:50 Rep. Schmidt  
01:17:20 Mr. Peura  
01:18:19 Rep. Schmidt  
01:18:30 Mr. Peura  
01:19:15 Rep. Sesso  
01:19:34 Rep. Reichner  
01:20:33 Rep. Sesso  
01:21:41 Rep. Reichner

**Closing by Sponsor:**

01:21:58 Rep. Reichner

01:26:32 Recessed

02:15:16 The committee resumed. Rep. Hollenbaugh and Rep. Gibson were not present.

**EXECUTIVE ACTION ON HB 534**

02:15:39 **Motion:** Rep. Esp moved that **HB 534 DO PASS**.

02:16:10 **Substitute Motion:** Rep. Esp made a substitute motion that **HB 534 BE AMENDED**.

**EXHIBIT**(aph64a07)

**Discussion:**

02:17:06 Rep. Esp

02:17:35 Jon Moe, Legislative Fiscal Division (LFD)

02:18:38 Rep. Esp

02:19:07 **Vote:** Motion carried unanimously by voice vote. Rep. Gibson and Rep. Hollenbaugh voted by proxy.

02:19:32 **Motion/Vote:** Rep. Esp moved that **HB 534 DO PASS AS AMENDED**. Motion carried unanimously by voice vote. Rep. Gibson and Rep. Hollenbaugh voted by proxy.

**EXECUTIVE ACTION ON HB 565**

02:20:09 **Motion/Vote:** Rep. Esp moved that **HB 565 DO PASS**. Motion carried 20-1 by voice vote with Rep. Burnett voting no. Rep. Gibson and Rep. Hollenbaugh voted by proxy.

**EXECUTIVE ACTION ON HB 444**

02:21:35 **Motion/Vote:** Rep. Burnett moved that **HB 444 DO PASS**. Motion carried 14-7 by roll call vote with Rep. Belcourt, Rep. Hiner, Rep. Hollenbaugh, Rep. McChesney, Rep. Mehlhoff, Rep. Schmidt and Rep. Sesso voting no. Rep. Gibson and Rep. Hollenbaugh voted by proxy.

**EXECUTIVE ACTION ON HB 587**

02:23:17 **Motion:** Rep. Esp moved that **HB 587 DO PASS**.

02:23:29 **Substitute Motion/Vote:** Rep. Esp made a substitute motion that **HB 587 BE AMENDED**. Substitute Motion carried unanimously by voice vote. Rep. Gibson and Rep. Hollenbaugh voted by proxy.

**EXHIBIT**(aph64a08)

02:24:28 **Motion/Vote:** Rep. Esp moved that **HB 587 DO PASS AS AMENDED**. Motion carried unanimously by voice vote. Rep. Gibson and Rep. Hollenbaugh voted by proxy.

**EXECUTIVE ACTION ON HB 602**

02:25:04 **Motion:** Rep. Esp moved that **HB 602 DO PASS**.

02:25:40 **Substitute Motion:** Rep. Esp made a substitute motion that **HB 602 BE AMENDED**.

**EXHIBIT**(aph64a09)

**Discussion:**

02:26:12 Rep. McNutt

02:28:19 **Vote:** Motion carried unanimously by voice vote. Rep. Gibson and Rep. Hollenbaugh voted by proxy.

02:28:34 **Motion/Vote:** Rep. Esp moved that **HB 602 DO PASS AS AMENDED**. Motion carried unanimously by voice vote. Rep. Gibson and Rep. Hollenbaugh voted by proxy.

**EXECUTIVE ACTION ON HB 585**

02:29:58 **Motion:** Rep. Esp moved that **HB 585 DO PASS**.

02:30:23 **Substitute Motion/Vote:** Rep. Esp made a substitute motion that **HB 585 BE AMENDED**. Substitute Motion carried 14-7 by roll call vote with Rep. Belcourt, Rep. Hiner, Rep. Hollenbaugh, Rep. McChesney, Rep. Mehlhoff, Rep. Schmidt and Rep. Sesso voting no. Rep. Gibson and Rep. Hollenbaugh voted by proxy.

**EXHIBIT**(aph64a10)

02:32:29 **Motion/Vote:** Rep. Esp moved that **HB 585 DO PASS AS AMENDED**. Motion carried 14-7 by roll call vote with Rep. Belcourt, Rep. Hiner, Rep. Hollenbaugh, Rep. McChesney, Rep. Mehlhoff, Rep. Schmidt and Rep. Sesso voting no. Rep. Gibson and Rep. Hollenbaugh voted by proxy.

**EXECUTIVE ACTION ON HB 611**

02:33:46 **Motion:** Rep. Esp moved that **HB 611 DO PASS**.

02:34:16 **Motion/Vote:** Rep. Cook moved that **HB 611 BE AMENDED**. Motion carried unanimously by voice vote. Rep. Gibson and Rep. Hollenbaugh voted by proxy.

**EXHIBIT**(aph64a11)

02:35:21 **Motion:** Rep. Cook moved that **HB 611 DO PASS AS AMENDED**.

**Discussion:**

02:35:28 Rep. Sesso

02:36:08 Rep. Cook

02:37:14 Rep. Sesso  
02:37:47 Rep. Cook  
02:38:00 Rep. Esp  
02:38:17 Rep. Sesso  
02:38:38 Rep. Cook  
02:39:07 Rep. Schmidt  
02:39:28 Rep. Cook  
02:40:15 Jon Moe, LFD  
02:40:37 Rep. Mehlhoff  
02:41:40 Rep. Cook

02:42:28 **Vote:** Motion carried 14-7 by roll call vote with Rep. Belcourt, Rep. Hiner, Rep. Hollenbaugh, Rep. McChesney, Rep. Mehlhoff, Rep. Schmidt and Rep. Sesso voting no. Rep. Gibson and Rep. Hollenbaugh voted by proxy.

### **EXECUTIVE ACTION ON HB 613**

02:43:33 **Motion:** Rep. Esp moved that **HB 613 DO PASS.**

02:44:26 **Substitute Motion:** Rep. Esp made a substitute motion that **HB 613 BE AMENDED.**

**EXHIBIT**(aph64a12)

#### **Discussion:**

02:45:39 Rep. Hiner

02:45:54 **Vote:** Motion carried unanimously by voice vote. Rep. Gibson and Rep. Hollenbaugh voted by proxy.

02:46:30 Jaret Coles, Legislative Services Division (LSD)

02:46:40 **Motion:** Rep. Esp moved that **HB 613 BE AMENDED.**

**EXHIBIT**(aph64a13)

#### **Discussion:**

02:46:47 Jaret Coles, LSD

02:47:14 **Vote:** Motion carried unanimously by voice vote. Rep. Gibson and Rep. Hollenbaugh voted by proxy.

02:47:29 Rep. Hollenbaugh and Rep. Gibson returned to the hearing.

02:47:31 **Motion/Vote:** Rep. Esp moved that **HB 613 DO PASS AS AMENDED.** Motion carried 14-7 by roll call vote with Rep. Belcourt, Rep. Hiner, Rep. Hollenbaugh, Rep. McChesney, Rep. Mehlhoff, Rep. Schmidt and Rep. Sesso voting no.

**EXECUTIVE ACTION ON HB 619**

02:48:51 **Motion:** Rep. Ankney moved that **HB 619 DO PASS.**

02:49:56 **Substitute Motion:** Rep. Ankney made a substitute motion that **HB 619 BE AMENDED.**  
**EXHIBIT**(aph64a14)

**Discussion:**

02:51:10 Rep. Hollenbaugh

02:51:49 **Vote:** Motion carried unanimously by voice vote.

02:52:08 **Motion/Vote:** Rep. Ankney moved that **HB 619 DO PASS AS AMENDED.**  
Motion carried unanimously by voice vote.

**EXECUTIVE ACTION ON HB 622**

02:52:42 **Motion:** Rep. Ankney moved that **HB 622 DO PASS.**

**Discussion:**

02:53:26 Rep. Hollenbaugh

02:54:52 Rep. Brodehl

02:55:04 Rep. McNutt

02:55:25 **Vote:** Motion carried 18-3 by voice vote with Rep. Brodehl, Rep. Edmunds and Rep. Osmundson voting no.

02:56:15 Rep. McNutt

02:57:28 Recessed

00:00:00 Resumed with all members except Rep. Hollenbaugh and Rep Osmundson.

**EXECUTIVE ACTION ON HB 221**

00:00:16 **Motion:** Rep. Belcourt moved that **HB 221 DO PASS.**

**Discussion:**

00:00:29 Rep. Belcourt

00:00:51 Rep. Esp

00:01:15 Rep. Schmidt

00:01:43 Rep. Burnett

00:02:18 **Vote:** Motion failed 8-13 by roll call vote with Rep. Beck, Rep. Belcourt, Rep. Hollenbaugh, Rep. McChesney, Rep. Mehlhoff, Rep. Schmidt and Rep. Sesso voting aye. Rep. Hollenbaugh and Rep. Osmundson voted by proxy.



00:03:51 **Motion/Vote:** Rep. Esp moved that **HB 221 BE TABLED AND THE VOTE REVERSED** without objection.

**EXECUTIVE ACTION ON HB 321**

00:04:05 **Motion:** Rep. Esp moved that **HB 321 DO PASS.**

00:04:10 Rep. Osmundson arrived.

00:04:20 **Substitute Motion/Vote:** Rep. Hiner made a substitute motion that **HB 321 BE TABLED**. Substitute Motion carried 14-7 by roll call vote with Rep. Brodehl, Rep. Burnett, Rep. Cuffe, Rep. Edmunds, Rep. Ehli, Rep. Esp and Rep. Osmundson voting no. Rep. Hollenbaugh voted by proxy.

**EXECUTIVE ACTION ON HB 331**

00:05:53 **Motion:** Rep. Esp moved that **HB 331 DO PASS.**

00:05:59 Rep. Hollenbaugh returned.

00:06:42 **Motion:** Rep. Esp moved that **HB 331 BE AMENDED.**  
**EXHIBIT**(aph64a15)

**Discussion:**

00:06:45 Rep. Esp

00:07:43 **Vote:** Motion carried unanimously by voice vote.

00:07:57 **Motion/Vote:** Rep. Hollandsworth moved that **HB 331 BE AMENDED**. Motion carried unanimously by voice vote.  
**EXHIBIT**(aph64a16)

00:08:53 **Motion:** Rep. Esp moved that **HB 331 DO PASS AS AMENDED.**

**Discussion:**

00:08:57 Rep. Esp

00:09:26 Rep. Hollenbaugh

00:09:54 Rep. Esp

00:10:05 Rep. Hollenbaugh

00:11:24 Rep. Esp

00:11:50 Rep. Hollenbaugh

00:12:03 Rep. Ankney

00:12:35 **Vote:** Motion failed 6-15 by roll call vote with Rep. Belcourt, Rep. Esp, Rep. Hiner, Rep. Hollandsworth, Rep. McChesney and Rep. Osmundson voting aye.

00:13:51 **Motion/Vote:** Rep. Esp moved that **HB 331 BE TABLED AND THE VOTE REVERSED** without objection.

**EXECUTIVE ACTION ON HB 365**

00:14:04 **Motion:** Rep. Hiner moved that **HB 365 DO PASS**.

**Discussion:**

00:14:14 Rep. Hiner

00:14:36 **Vote:** Motion failed 9-12 by roll call vote with Rep. Ankney, Rep. Belcourt, Rep. Burnett, Rep. Hiner, Rep. Hollenbaugh, Rep. McChesney, Rep. Mehlhoff, Rep. Schmidt and Rep. Sesso voting aye.

00:15:43 **Motion/Vote:** Rep. Esp moved that **HB 365 BE TABLED AND THE VOTE REVERSED** without objection.

**EXECUTIVE ACTION ON HB 502**

00:15:54 **Motion:** Rep. Esp moved that **HB 502 DO PASS**.

**Discussion:**

00:16:16 Rep. Sesso

00:19:45 Rep. Cook

00:20:01 **Motion/Vote:** Rep. Sesso moved that **HB 502 BE AMENDED**. Motion carried unanimously by voice vote.

**EXHIBIT(aph64a17)**

00:20:28 **Motion:** Rep. Esp moved that **HB 502 DO PASS AS AMENDED**.

**Discussion:**

00:20:41 Rep. Sesso

00:21:43 Rep. Gibson

00:21:55 Rep. Sesso

00:22:08 Rep. Gibson

00:22:26 Rep. Sesso

00:23:01 Rep. Edmunds

00:23:22 Rep. Burnett

00:24:04 **Motion:** Rep. Esp moved that **HB 502 BE AMENDED** by conceptual amendment. (Included in additional documents. Exhibit 21)

**Discussion:**

00:24:34 Rep. Sesso

00:24:55 **Vote:** Motion carried unanimously by voice vote.

00:25:08 **Motion/Vote:** Rep. Esp moved that **HB 502 DO PASS AS AMENDED**. Motion carried 20-1 by voice vote with Rep. Beck voting no.

#### **EXECUTIVE ACTION ON HB 567**

00:25:50 **Motion:** Rep. Esp moved that **HB 567 DO PASS**.

00:26:04 **Motion:** Rep. Schmidt moved that **HB 567 BE AMENDED**.  
[\*\*EXHIBIT\(aph64a18\)\*\*](#)

#### **Discussion:**

00:26:35 Rep. Schmidt

00:27:05 Mr. Coles

00:27:58 Rep. Esp

00:28:28 Rep. Schmidt

00:29:11 **Vote:** Motion failed 9-12 by roll call vote with Rep. Belcourt, Rep. Edmunds, Rep. Hiner, Rep. Hollandsworth, Rep. Hollenbaugh, Rep. McChesney, Rep. Mehlhoff, Rep. Schmidt and Rep. Sesso voting aye.

00:30:13 **Vote:** Motion carried 19-2 by roll call vote with Rep. Hollenbaugh and Rep. Mehlhoff voting no.

#### **EXECUTIVE ACTION ON HB 621**

00:31:42 **Motion:** Rep. Esp moved that **HB 621 DO PASS**.

00:32:42 **Motion:** Rep. Ankney moved that **HB 621 BE AMENDED**.  
[\*\*EXHIBIT\(aph64a19\)\*\*](#)

00:32:53 Rep. Ankney

00:33:00 Rep. Sesso left.

00:33:21 **Vote:** Motion carried unanimously by voice vote. Rep. Sesso voted by proxy.

00:33:45 **Motion/Vote:** Rep. Ankney moved that **HB 621 DO PASS AS AMENDED**. Motion carried 16-5 by roll call vote with Rep. Brodehl, Rep. Cook, Rep. Edmunds, Rep. Esp and Rep. Gibson voting no. Rep. Sesso voted by proxy.

#### **EXECUTIVE ACTION ON HB 13**

00:35:02 **Motion:** Rep. Hiner moved that **HB 13 DO PASS**.

**Discussion:**

00:35:04 Rep. Hiner

00:36:10 **Motion/Vote:** Rep. Hiner moved that **HB 13 BE AMENDED**. Motion carried unanimously by voice vote. Rep. Sesso voted by proxy.

**EXHIBIT(aph64a20)**

00:36:39 **Motion:** Rep. Hiner moved that **HB 13 DO PASS AS AMENDED**.

**Discussion:**

00:36:56 Rep. Mehlhoff

00:38:19 Rep. Hollenbaugh

00:40:03 Rep. Cook

00:40:25 Rep. Brodehl

00:41:11 **Vote:** Motion failed 9-12 by roll call vote with Rep. Ankney, Rep. Belcourt, Rep. Gibson, Rep. Hiner, Rep. Hollenbaugh, Rep. McChesney, Rep. Mehlhoff, Rep. Schmidt and Rep. Sesso voting aye. Rep. Sesso voted by proxy.

00:42:12 **Motion/Vote:** Rep. Esp moved that **HB 13 BE TABLED AND THE VOTE REVERSED** without objection.

**EXECUTIVE ACTION ON HB 485**

00:42:22 **Motion:** Rep. Mehlhoff moved that **HB 485 DO PASS**.

**Discussion:**

00:42:50 Rep. Mehlhoff

00:44:09 Rep. Esp

00:45:01 Rep. Ankney

00:45:44 Rep. Edmunds

00:46:05 Rep. Belcourt

00:46:31 Rep. Gibson

00:46:57 **Vote:** Motion failed 10-11 by roll call vote with Rep. Ankney, Rep. Belcourt, Rep. Cuffe, Rep. Gibson, Rep. Hiner, Rep. Hollenbaugh, Rep. McChesney, Rep. Mehlhoff, Rep. Schmidt and Rep. Sesso voting aye. Rep. Sesso voted by proxy.

00:47:51 **Motion/Vote:** Rep. Esp moved that **HB 485 BE TABLED AND THE VOTE REVERSED** without objection.

**EXECUTIVE ACTION**

00:48:11 **Motion:** Rep. Esp moved that **HB 26, HB 46, HB 48, HB 56, HB 75, HB138, HB 193, HB 207, HB 239, HB 385, HB 520, HB 545, HB 554, HB 579, HB 590, HB 605, HB 606, HB 623, HB 625 BE TABLED**.

**Discussion:**

00:48:20 Rep. Schmidt

00:48:37 Rep. Hiner

00:48:53 **Vote:** Motion carried 18-3 by roll call vote with Rep. Hollenbaugh, Rep. Mehlhoff and Rep. Schmidt voting no. Rep. Sesso voted by proxy.

**ADJOURNMENT**

04:09:00      Adjournment

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Sandra Sullivan, Secretary

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**Additional Documents:**

**[EXHIBIT\(aph64a21\)](#)**

Additional Documents:

**EXHIBIT([aph64aad.pdf](#))**